

U.S. Serial No.: 10/731,627
Group Art Unit: 3724
Inventor: Frank E. Oetlinger
Page 11

IN THE DRAWINGS:

Please amendment Fig. 1 as shown on the attached "Replacement" sheet.

REMARKS

Initially, it is noted that the Examiner had objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) such drawings do not include the reference character "10" as provided in the specification. Applicant has amended Fig. 1 to include the reference character and provides herewith a replacement drawing sheet showing such amendment.

The Examiner has also objected to the specification due to a typographical error on page 8, line 17. Applicant has amended the specification as suggested by the Examiner. As such, withdrawal of the Examiner's objection to the specification is respectfully requested.

The Examiner has indicated that claims 10, 12-13, 15 and 19-21 contain allowable subject matter. Applicant has rewritten claims 10, 12, 13, 15 and 20 in independent form as new claims 29-33. Applicant has also amended independent claim 14 to incorporate the subject matter of claim 19. In addition, applicant has amended claim 14 to overcome the Examiner's rejection under 35 U.S.C. § 112, second paragraph. As such, it is believed that claims 14 and 29-33 are in proper form for allowance and such action is earnestly solicited. Claims 16-18 and 20 depend either directly or indirectly from claim 14 and further define a rail assembly not shown or suggested in the art. It is believed that claims 16-18 and 20 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

The Examiner has rejected claims 1 and 6-9 under 35 U.S.C. § 102(b) as being anticipated by Bernstein, U.S. Patent No. 6,019,358. In addition, the Examiner has rejected claims 1-6 and 11 under 35 U.S.C. § 102(b) as being anticipated by Robinson, U.S. Patent No. 2,354,976. As hereinafter described, applicant has amended independent claim 1 to more particularly define the invention for which protection is sought. As such, reconsideration of the Examiner's rejections is respectfully requested in view of the following comments.

Claim 1 defines a rail assembly for supporting a blanking tool inserted on an outer frame for a lower blanking tool of a carton die cutting machine. The rail assembly includes an elongated insert receiving element defining a cavity for receiving a portion of the blanking tool insert therein. A clamp piece is connectable to the outer frame and defines a vertically extending inner face, an opposite vertically extending outer face engageable with the outer frame and a bore extending between the inner and outer face. The jaw is operatively connected to the clamp piece so as to define a clamping cavity between the jaw element and outer face of the clamp piece. The jaw element is movable between the clamping position for retaining a portion of the insert receiving element and the clamping cavity and a release position. As hereinafter described, neither of the cited references shows or suggests a rail assembly wherein a jaw element is operatively connected to the clamp piece so as to define a clamping cavity between the jaw element and outer face of the clamp piece.

The Bernstein '358 patent discloses a wedge lock workholder for holding workpieces on a machine tool table. A wedge slide is slidably mounted in a bore. The angle of the bore prevents lateral movement of the wedge slide as the wedge slide is moved along the bore in the wedge block. In the Examiner's opinion, the '358 patent discloses a clamp piece 16 in the center of Fig. 2; outer frame 12; outer face 26; and an inner face opposite outer face 26. Jaw element 48 is also provided. However, unlike independent claim 1 which requires the jaw element to define a clamping cavity between itself and the outer face of the clamp piece, the clamping cavity in the Bernstein '358 patent is provided between jaw element (wedge slide) 48 and an adjacent wedge block. Hence, the '358 patent does not provide each of the elements as set forth in independent claim 1.

The Robinson '976 patent discloses the garage door clamp. In the Examiner's opinion, a clamping cavity is defined between elements 30 and C in the '976 patent. However, as defined, the rail assembly of claim 1 requires the outer face of clamp piece to be engageable with the

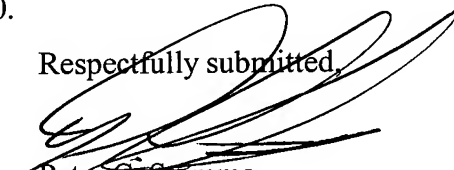
U.S. Serial No.: 10/731,627
Group Art Unit: 3724
Inventor: Frank E. Oetlinger
Page 14

outer frame and for the jaw element to define a clamping cavity between itself and the outer face of the clamp piece. Clearly, since the portion of the clamp disclosed in the Robinson '976 patent that engages the outer frame is on the opposite side of the element from the clamping cavity, it is evident that '976 patent does not disclose each and every element of their dependent claim 1.

In view of the foregoing, it is believed that independent claim 1 defines over the cited references and is in proper form for allowance. Claims 2-9 and 11 further define a rail assembly not shown or suggested in the prior art. Applicant believes that claims 2-9 and 11 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Applicant believes that the present application with claims 1-9, 11, 14, 17-18, 20 and 29-33 is in proper form for allowance and such action is earnestly solicited. A check in the amount of \$400.00 to cover the additional four independent claims has been previously submitted with the Response filed on December 19, 2005. The Director is hereby authorized to charge payment of any extension or additional fees associated with this or any other communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



Peter C. Stomma
Registration No. 36,020

Dated: 3/30/06
BOYLE, FREDRICKSON, NEWHOLM, STEIN & GRATZ, S.C.
250 Plaza, Suite 1030
250 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753
Docket No.: 599.016

